

Remarks - Claim Rejections 35 U.S.C. 102

On March 12, 2003, the Applicant amended claims in a response Office Action in which claims were rejected under the Nolte patent. The Applicant notes that the examiner is no longer raising the Nolte patent #6,165,070 as a § 102 reference for this application and Applicant assumes the Nolte patent has been withdrawn as a § 102 reference.

The examiner has raised a new reference, the Sakamoto patent #6,315,663. In an earlier Office Action, a different Sakamoto patent was used as a reference, but that patent is no longer referred to in this examiner's action therefore, the Applicant will direct his comments only to the new Sakamoto '663 patent. It is noted in passing that the Sakamoto patent has the United States filing date of November 12, 1999, with an effective foreign priority filing date of November 18, 1998 and Applicant reserves the right to traverse the Sakamoto patent as prior art for the current invention.

The Applicant has amended claims to clarify that the Applicant's means for stopping or stop button operates to stop a particular visually perceived symbol in a predetermined location. It is believed that this was inherent in the claims without the amendments being entered in this action. However, in order to clarify the claims, the Applicant has made these technical amendments. As it was explained in the March 17, 2003 response from the Applicant, Applicant's game is a skill game. A hypothetical player with instantaneous reflexes will always win the Applicant's game. Since a visually perceived symbol may be viewed and then the stop button pressed to stop that visually perceived symbol in a predetermined location. Thus, a player with instantaneous reflexes will see a symbol, press the stop button to stop rotation of that symbol in the pay off location, and

always win the game. As was explained in the March 17 Office Action, the Nolte game did not disclose, and, in fact, taught away from, this feature of the Applicant's invention. The Sakamoto '663 patent has this same deficiency. As with the Nolte game, in the Sakamoto game, there is a predetermined time interval between the time a stop button is pressed and the time a reel stops. During that interval, symbols that may be visually perceived at the time the stop button is pressed rotate out of the vision of a player. Therefore, in order to effectively operate the stop button, a player must remember in what order the symbols appear on the reel, so that the pressing of the stop button will stop an unseen symbol at the time the stop button is pressed in the pay off window. The basic operation of the Sakamoto game is explained in the Background of the Invention where a standard "Pachi-slot" game, apparently popular in Japan, is discussed. There, it is explained that in this standard game, the stop instructions stop a rotating reel: "...after a predetermined time, e.g., 190 msec determined by existing Japanese law, has passed since the stop instructions are respectively generated." (Col. 1, lines 49-52) As is explained further in the Sakamoto patent: "When the player pushes the stop button to issue a stop instruction, the corresponding reel cannot stop rotating in the moment but decelerates and keeps rotating to make the symbols shifted in one way direction by the predetermined number of symbols until the reel completely stops rotating. The number of shifting symbols is restricted within a predetermined number, e.g., 5 pieces of symbols." (Col. 1, lines 63-67; Col. 2, lines 1-3) Sakamoto goes on to explain that a player learns the arrangements of the symbols on the reel by memory, which allows the player to use the stop instruction by taking into account the degree of deceleration of the reel and the number of shifting symbols. The drawback of this conventional Pachi-slot machine, which the Sakamoto is designed to address, is that once the player has missed bringing the desired symbol to a standstill on the winning line, the player loses a chance of winning the prize if the rotation of the reel has been decelerated to a low speed inadequate to make the symbol come full

circle, because of the one way rotation of the reels. The player can judge there is no chance in winning the prize and loses interest in the game.(see Col. 2, lines16-28) In the Sakamoto game, the scrolling directions of the reels are reversed. The effect of the Sakamoto invention is to simply reverse the rotation of a reel so that as a winning symbol rotates past the predetermined winning point, there is a possibility that the reels may reverse rotation and to bring the winning symbol back into the winning location, thus engaging a player's interest longer than would be the case otherwise. Thus, the Sakamoto patent addresses a problem created by the time lag required under Japanese law requiring the 190 msec time lapse. In the current invention a player's attention remains engaged because the player actually controls the stopping of each reel and determines the outcome of the game. There is nothing in the Sakamoto reference that teaches a player controlled stop in which the player, through reflexes, stops a visually perceived symbol in the predetermined location by operation of the stop button during the time interval that a visually perceived symbol stays within the visually perceptible area on the reel. The Sakamoto patent is simply a Pachi-slot game with the added feature that the direction of rotation of the reels may shift, meaning that the failure of a desired symbol to stop in a desired location does not guarantee a loss to the player until all reels have finished their rotation. There is nothing about the Sakamoto game that teaches the skill requirements of the current invention.

Argument - Claim Rejection 102

The examiner reasons that Sakamoto discloses an electronic video game with a plurality of reels. The reels appear to rotate means for displaying on the reels a plurality of full symbols of predetermined fixed symbols (referencing column 3 lines 62-64). For each of the plurality of reels, means to stop the apparent rotation of the reel controlled by a player (referencing column 3, lines 34 and 36). At this point, the Applicant wishes to traverse the conclusions of the examiner

regarding the teaching of the Sakamoto patent. First, the examiner reasons that Sakamoto discloses: “Means for displaying on the reels a plurality of full symbols of predetermined fixed symbols (3:62-64).” In totality, lines 62-64 of the Sakamoto patent state: “(a) forming a plurality of predetermined symbol arrangements, each having various kinds of symbols arranged in a predetermined order.” Quite plainly, Sakamoto discloses reels with a plurality of full symbols. However, it does not disclose displaying a plurality of full symbols to a player and nothing in lines 62-64 of column 3 of the Sakamoto patent remedies this deficiency. In fact, the Sakamoto patent goes on to say, in line 65 of column 3, that: “(b) displaying part of the symbols of respective symbol arrangement on a window, having a predetermined winning line crossing over the symbol of the respective symbol arrangements to define the symbols position on the winning line as a symbol combination.” Therefore, while there is a display in the Sakamoto patent, it is of: “...part of the symbols.” Nothing in the Sakamoto patent constrains a display of a plurality of full symbols or at least two full symbols as are required in Claims 1, 10, and 26 of the current invention. Applicant also respectfully traverses the conclusion that the means to stop are controlled by a player. Specifically, the examiner said: “Means to stop the apparent rotation of the reel, the means to stop control by a player (3:34-36).” Specifically, the Sakamoto patent states that: “The above machine may further comprise inputting means for allowing a player to input the stop instructions to the game machine.” First, this is not a requirement in the Sakamoto patent that a player input stop instructions, but rather the game may additionally allow a player to input stop instructions to the game machine. But, as is made clear at an earlier point in the patent, that Japanese law requires that an inputting of the stop instructions does not immediately stop the rotating of the reels, but a predetermined time (190 msec) must pass before the stop instructions are actually generated. In fact, in Sakamoto column 4, lines 13-24, the operation of the reversing directions of the reel rotation is explained, which happens after the stop instructions are received. Thus, when the

teaching of Sakamoto's is that when the stop instructions in step (d) are received, then the machine brings symbols to a stop then shifts symbol arrangements following the predetermined waiting time after the stop instructions are received, then the scrolls move in different directions. (Col. 4, lines 6-25) Consequently, while a player may input stop instructions, but the game does not require player stop instructions and such stop instructions do not actually stop the rotation of the reel. The stopping of the reel rotation is determined by the shifting means that is operated to determine the number of shifting symbols for each symbol arrangement on the basis of a predetermined game condition (3:20-26).

The examiner goes on to reason that there are: "Means for determining whether a player has used the means to stop so that at least one of the predetermined fixed symbols is stopped within a predetermined location on the video screen (Figure 4)." It is acknowledged that Figure 4 shows how five winning lines may be determined. However, the Applicant respectfully traverses the conclusion of the examiner that there are: "...means for determining whether a player has used the means to stop so that at least one of the predetermined fixed symbols is stopped within a predetermined location on the video screen." Chance slot machine or any other game will have some means of determining if winning symbols are displayed on the screen. That is quite different from a means for determining: "...whether a player has used the means to stop" to put one of the predetermined fixed symbols in a winning location. Moreover, Claim 1 and Claim 10, as amended, and Claim 26, as amended, now clarify that the player must use the stop means to stop one of the visually displayed and perceived symbols in the correct location. This is contrary to the teaching of the Sakamoto patent and contrary to the regulatory requirements in Japan, which requires there be an interval between the time a stop button is pressed and the time the rotation of the reel is actually stopped. For this reason, as is explained in the Sakamoto patent, the

“corresponding reel cannot stop rotating in a moment but decelerates and keeps it rotating to make the symbols shifted in a one-way direction by a predetermined number of symbols until the reel completely stops rotating.” In other words, in the Sakamoto patent, just as in the Nolte patent, pressing a stop button does not immediately stop a reel from rotating and, in fact, a predetermined number of symbols will rotate out of a user’s view before the reels stop. Sakamoto explains that: “This means it is necessary for a player to master a high technique for watching the timing of stopping the rotation of the reels and pushing the stop button at this time in order to obtain the desired combination of symbols...” Just as in Nolte, in Sakamoto a player must memorize the reels and “lead” a desired symbol to stop in a winning location. It is little wonder that Sakamoto makes the players inputting of stop instructions an option and not a requirement in his invention.

Claims 2, 11, and 26 were rejected under Section 102 for the teaching of the Sakamoto patent. The examiner states that Sakamoto discloses an apparatus that “...allows a player at least one-tenth of a second to use the means to stop the symbol.” (1:44-52) As was explained above, this portion of the Sakamoto patent refers to a regulatory requirement in Japan. Apparently the examiner misunderstood this portion of the Sakamoto patent. The meaning of this passage is exactly the opposite of the interpretation given by the examiner. In fact, the point the 190 msec is not time given to a player to visually perceive a symbol, press a stop button in response to that visual perception and to stop a symbol in a particular location, but rather, is a minimum delay imposed by law between the time a stop instruction is generated and the time the reels stop rotation. As is explained in the Sakamoto reference, when a stop instruction is generated, the reel does not stop immediately or “in a moment” (1:65), but de-accelerates and symbols shift by predetermined number of symbols, usually 5. Thus, even if the Sakamoto reference disclosed at least two full symbols would be visible, the 190msec delay guarantees that these symbols will

rotate out of view of a player and the symbols that actually stop are not symbols visually perceived by a player when the stop means is activated. That is in contrast to the current invention which gives a player at least one-tenth of a second to perceive the symbol, press the stop button and have that same visually perceived symbol stop in the desired location. Consequently, the teaching of the Sakamoto reference is away from the current invention.

Claims 3, 12, and 27 were rejected because Sakamoto discloses a bonus window. It is conceded that one or more chance games such as the Sakamoto game disclose a bonus window. However, the operation of that bonus window in the Sakamoto game is completely different than in the current invention where a bonus symbol plays an important role in preserving a player's interest in the game throughout the play of stopping the player controls stops for each rotating reel. In the current game because the player actually controls what symbols stop within the predetermined willing location. The function of the bonus symbol in this invention is explained in pages 19 line 14 through page 20 line 9. The use of the bonus symbol can affect a player's strategy in many ways in the current game. In a chance game such as the Sakamoto patent, the bonus symbol affects the payout of the game, but not in the strategy of the game since the player has no real control over the outcome of the game. Thus, provision of a bonus symbol with payout tables based on that bonus symbol when combined with the skill element of the current invention, achieves a completely different outcome than do conventional bonus symbols.

Claims Rejections 103

Claims 4 through 9, 13 through 19, and 28 through 35 were rejected under 35 USC 103 as being unpatentable over Sakamoto in view of Nolte, US Patent # 6,165,070. Applicant incorporate

arguments previously given as to why Claims 1 through 3, 10 through 12, and 25 through 26 are patentable. If the underlying claims are patentable, then claims that depend on those underlying claims are also patentable. To respond to each of these rejections point by point would require reprising essentially repeating the entire patent disclosure and especially that section headed “Timing of the Game” beginning in line 6 on page 25 extending to the bottom of page 30. In brief, such things as shuffling of the order of the symbols on the reels, a timeout and the like, are common in chance games. However, when the game is one of skill, these features assume an entirely different function and importance in the game. For example, Claim 6 gives a controlled amount of time to stop rotation of the reels. The examiner references works in the Nolte patent that discloses chance machines require an operator to play additional rounds and spend more money at the video game by means of a timeout. Here, the timeout plays a completely different purpose. If the rotation of the reels was allowed to go on indefinitely, a player could memorize the symbols on the reels, giving a player an unfair advantage. As is explained on page 25 in the current invention, a player may allow the time to expire without a penalty. The symbols stop outside of preferred locations and a new game is started, but the order of the symbols on the reels are shuffled. The introduction of a skill element to the game as it is done in this invention changes the meaning and the function of the “timeout” as required in Claim 6 from that of a conventional game because of the skill element in this game as claimed in Claims 1 to 5.

Conclusion

Applicant has responded to rejection of all claims made by the examiner. The examiner indicated that Claims 22 through 25 are allowable, consequently, it is believed that all claims are

now in a condition for allowance and the same is respectfully requested.

This the 26 day of Sept., 2003.

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